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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,017	12/19/2001	Li Shu	DPL-026	5849

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TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

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Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-28, drawn to an apparatus for transmitting a file through a network including a file splitting processor, a plurality of message segments, a plurality of addresses, a file converter, a message segment monitor, an address allocator, classified in class 370, subclass 314.
- II. Claims 29-36, drawn to a method for secure transmission of a message through a network including a plurality of message segments, protocol information being encrypted, the routing information is encrypted, and the encrypted message, classified in class 713, subclass 153.

A. The inventions are distinct, each from the other because of the following reasons:

Inventions I & II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP 806.04(h)). Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the

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evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

B. Because these inventions are distinct for the reasons given above and the search required for Groups I & II are different, restriction for examination purposes as indicated is proper.

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17(h).

Thong Vu
Patent Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.